

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 5/9/2024

LIZ WALESKA PEREZ RIVERA,

Plaintiff,

22-CV-08367 (SN)

-against-

ORDER

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

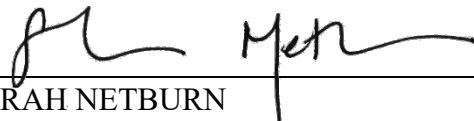
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SARAH NETBURN, United States Magistrate Judge:

Plaintiff filed this action pursuant to 42 U.S.C. § 405(g), seeking review of a denial of social security benefits. On the consent of both parties, the Court remanded the matter for further review by the Commissioner of Social Security. Plaintiff's counsel now seeks \$7,997.60 in attorney's fees under the Equal Access to Justice Act (the "EAJA"), 28 U.S.C. § 2412.

Because of the Commissioner's unique role and expertise in this area, the Court orders the Commissioner to respond to Plaintiff's motion by May 22, 2024. In particular, the Court directs the Commissioner to address the question of whether the fees amount to an impermissible windfall. See Diberardino v. Commissioner of Social Security, No. 17-cv-02868 (PKC), 2020 WL 6746828 (E.D.N.Y. Nov. 17, 2020).

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: May 9, 2024
New York, New York